

## CONCLUSION

As set forth above, Millennium's procedural and substantive challenges to the DOS Objection fail to meet the heavy burden required for an override. The DOS Objection was timely, having been issued within six months of Millennium's submission of requisite blasting data. In addition, no override is warranted on Ground I because the Pipeline as proposed (i) fails to further the national interest "in a significant or substantial manner," (ii) fails to promise concrete benefits which outweigh its significant, documented adverse coastal impacts, (iii) violates the CWA, and (iv) could be replaced by reasonable alternatives that can be constructed in a manner consistent with New York's CMP. Finally, Millennium's Ground II challenge is wholly unsupported, given Millennium's failure to demonstrate that the Pipeline is "necessary in the interest of national security.

Accordingly, the Secretary should deny Millennium's appeal and leave the DOS Objection to stand.

Dated: New York, New York  
October 22, 2002

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## AFFIDAVIT OF SERVICE

STATE OF NEW YORK )  
                                ss.  
COUNTY OF NEW YORK )

CINDY M. KIRMAYER, being duly sworn, deposes and says:

I am not a party to the action, am over 18 years of age and reside in Island Park, New York. On October 22, 2002, I served the within AMICUS BRIEF AND COMMENTS OF THE TOWN OF CORTLANDT, NEW YORK IN SUPPORT OF THE OBJECTION OF THE NEW YORK STATE DEPARTMENT OF STATE TO THE MILLENNIUM PIPELINE PROJECT upon:


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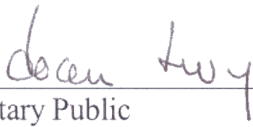
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at the address designated by said attorney(s) for that purpose VIA FEDERAL EXPRESS.

  
CINDY M. KIRMAYER

Sworn to before me this  
22nd day of October, 2002

  
Notary Public

JOAN LEVY  
Notary Public, State of New York  
No. 41-4760027  
Qualified in Queens County  
Commission Expires February 28, 2023

1006AOS.